



NATALIE S. ROSENBERG
Counsel

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June 13, 2003

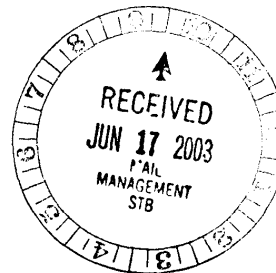
FILED

Via Airborne Express

Mr. Vernon A. Williams, Secretary
Surface Transportation Board
Mercury Building
1925 K Street, N.W.
Washington, D.C. 20423

JUN 17 2003

TRANSPORTATION BOARD



**RE: STB Docket No. AB-55 (Sub-No. 636X)
CSX Transportation, Inc.-Abandonment
Exemption in St. Clair County, Michigan**

Dear Mr. Williams:

Enclosed for filing are the original and ten copies of CSX Transportation, Inc.'s Notice of Exemption in the above-captioned proceeding. A check in the amount of \$2,700.00 to cover the filing fee is also enclosed. I would appreciate your acknowledgment of receipt of these documents by stamping the extra enclosed copy of this letter and returning it to me in the enclosed self-addressed envelope.

Very truly yours,

ENTERED
Office of Proceedings

JUN 17 2003

Part of
Public Record

Natalie S. Rosenberg

Natalie S. Rosenberg

Enclosures

FEE RECEIVED

JUN 17 2003

SURFACE
TRANSPORTATION BOARD

208097

BEFORE THE
SURFACE TRANSPORTATION BOARD



DOCKET NO. AB-55 (Sub-No. 636X)

CSX TRANSPORTATION, INC.
ABANDONMENT IN
ST. CLAIR COUNTY, MICHIGAN

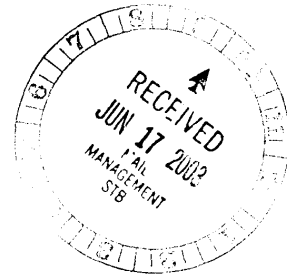
N O T I C E O F E X E M P T I O N

Natalie S. Rosenberg
Counsel
500 Water Street J150
Jacksonville, FL 32202
(904) 359-1253

Counsel for
CSX TRANSPORTATION, INC.

DATED: June 13, 2003

BEFORE THE
SURFACE TRANSPORTATION BOARD



DOCKET NO. AB-55 (Sub-No. 636X)

CSX TRANSPORTATION, INC.
ABANDONMENT IN
ST. CLAIR COUNTY, MICHIGAN

N O T I C E O F E X E M P T I O N

CSX Transportation, Inc. ("CSXT") files this Notice of Exemption pursuant to the Board's regulations at 49 C.F.R. §1152.50. This Notice of Exemption is for abandonment of CSXT's line of railroad from Milepost CBD 83.28, at Tappan, to Milepost CBD 85.96, near Port Huron (hereinafter "the line"), a distance of approximately 2.68 miles, which traverses through United States Postal Service ZIP Codes 48060 and 48061 in St. Clair County, Michigan. In accordance with the aforesaid regulations, CSXT makes the following responses:

RESPONSE TO 49 C.F.R. SECTION 1152.50(d)(2):

1. Proposed Consummation Date.

The proposed consummation date of this abandonment is August 13, 2003.

2. Certification Required in Section 1152.50(b).

The required certification is set forth as Exhibit B to this Notice of Exemption.

3. Information required in Section 1152.22(a)(1-4),
(7), (8) and (e)(4).

(a) General.

(1) Exact name of applicant.

CSX Transportation, Inc.

(2) Whether applicant is a common carrier
by railroad subject to the Interstate
Commerce Act.

CSXT is a common carrier by railroad
subject to the Interstate Commerce Act.

(3) Relief sought (abandonment of line or
discontinuance of operations).

CSXT seeks authority to abandon the
line.

(4) Detailed map of the line.

Maps are attached hereto as Exhibit A.

(7) Name, title and address of
representative of applicant to whom
correspondence should be sent.

Natalie S. Rosenberg
Counsel
CSX Transportation, Inc.
500 Water Street J150
Jacksonville, FL 32202

(8) United States Postal Service Zip Codes
that the line traverses.

48060 and 48061

(e) Rural and community impact.

- (4) Statement of whether the properties proposed to be abandoned are suitable for use for other public purposes, including roads or highways, other forms of mass transportation, conservation, energy production or transmission, or recreation. If the applicant is aware of any restriction on the title to the property, including any reversionary interest, which would affect the transfer of title or the use of property for other than rail purposes, this shall be disclosed.

The properties proposed for abandonment may be suitable for other public purposes, but may be subject to reversionary interests that would affect transfer of title for other than rail purposes.

4. The Level of Labor Protection.

CSXT understands that, in exempting the proposed abandonment, the Board does not relieve a carrier of its statutory obligation to protect the interests of employees. See 49 C.F.R. Section 1152.50(c). Accordingly, CSXT anticipates that the Board will impose the conditions set forth in Oregon Short Line R. Co. - Abandonment - Goshen, 360 I.C.C. 91 (1979), for the benefit of any carrier employee who may be adversely affected by the proposed abandonment.

5. Certificate of Compliance with the Notice Requirements of Section 1152.50(d)(1).

The required certificate is set forth as Exhibit C to this Notice of Exemption.

6. Environmental Report and Historic Report.

The Environmental Report required by 49 C.F.R.

1105.7 and the Historic Report required by 49 C.F.R. 1105.8 are attached as Exhibits D and E, respectively, to this Notice of Exemption. Attached as Exhibit F is a certificate showing CSXT's compliance with 49 C.F.R. 1105.11.

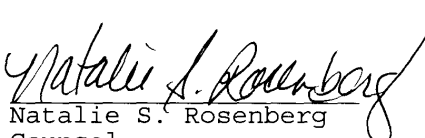
7. Newspaper Notice.

The Newspaper Notice required by 49 C.F.R. 1105.12 was published in The Times Herald, Port Huron, Michigan, on June 12, 2003. An affidavit of publication from this newspaper will be forwarded to the Board as soon as it is received by CSXT.

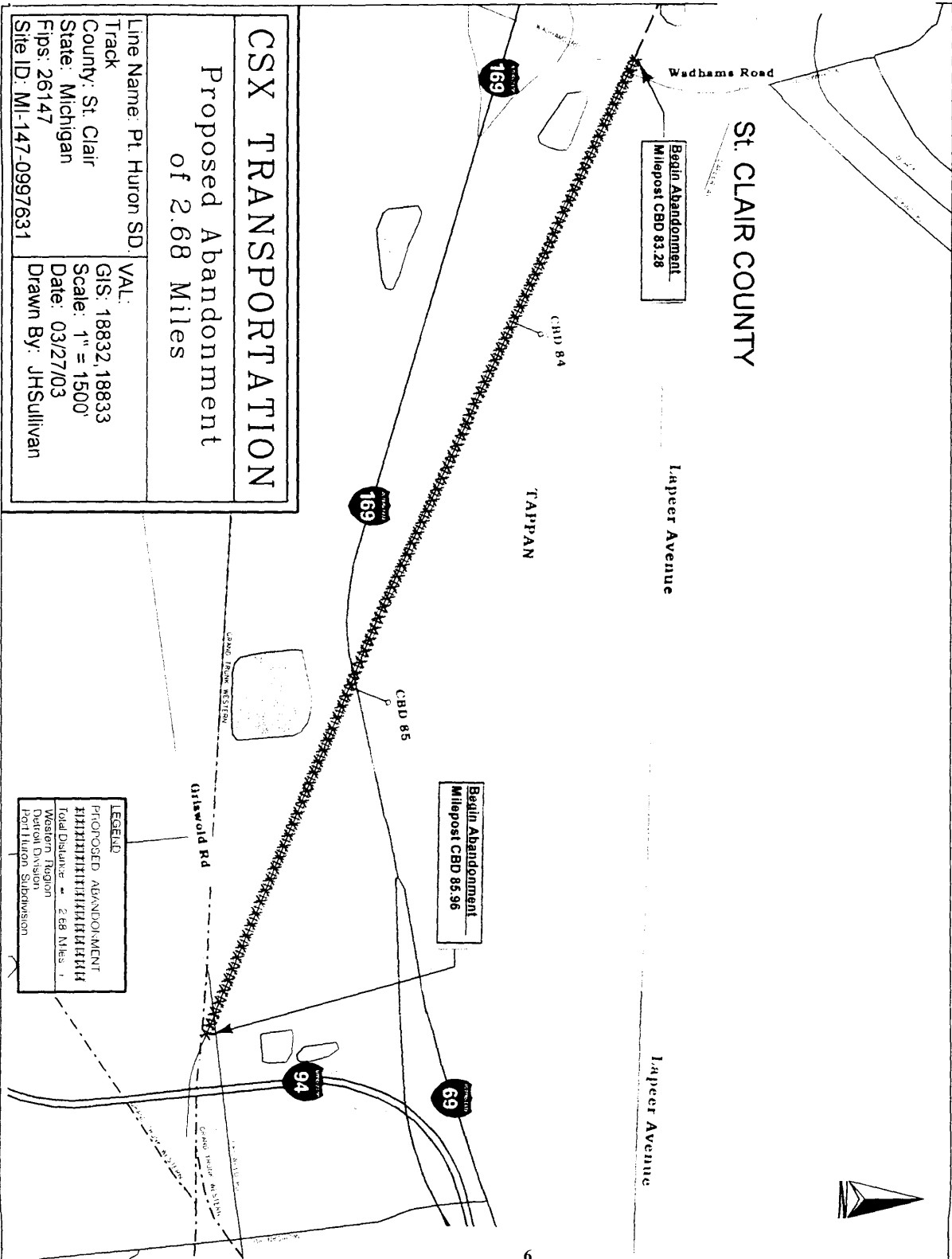
8. Verification.

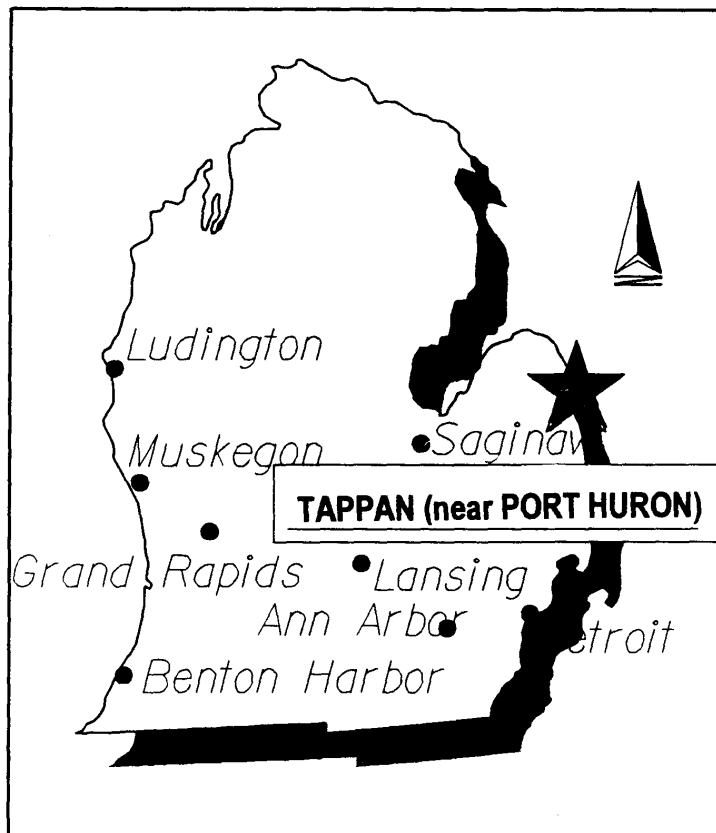
The required verification is set forth as Exhibit G to this Notice of Exemption.

Respectfully submitted,


Natalie S. Rosenberg
Counsel
CSX Transportation, Inc.
500 Water Street J150
Jacksonville, FL 32202

DATED: June 13, 2003





**AREA MAP
STATE OF MICHIGAN**

**Proposed Abandonment - 2.68 Miles
St. Clair County
Port Huron, Michigan**

WESTERN REGION - DETROIT DIVISION - PORT HURON SUBDIVISION

EXHIBIT B

CERTIFICATION REQUIRED
IN 49 C.F.R. SECTION 1152.50(B)

In accordance with 49 C.F.R. Section 1152.50(b), I hereby certify that, with respect to the line subject to the Notice of Exemption in Docket No. AB-55 (Sub-No. 636X): (1) no local traffic has moved over the line for at least two years prior to the date hereof; (2) there is no overhead traffic on the line; (3) no formal complaint filed by a user of rail service on the line (or state or local government agency acting on behalf of such user) regarding cessation of service over the line is either pending with the Board or any U. S. District Court or has been decided in favor of a complainant within the two-year period prior to the date hereof. The foregoing certification is made on behalf of CSX Transportation, Inc. by the undersigned after due and careful investigation of the matters herein certified and based on the best knowledge, information and belief of the undersigned.


Heidi Bash

Dated: 06/03/2003

EXHIBIT C

CERTIFICATE OF COMPLIANCE
WITH NOTICE REQUIREMENTS OF
49 C.F.R. 1152.50(d)(1)

In accordance with 49 C.F.R. §1152.50(d)(2), I hereby
certify that:

On May 29, 2003, I caused to be served by U.S. first-
class mail, postage prepaid, the notice required by 49 C.F.R.
§1152.50(d)(1), upon the Michigan Department of Transportation,
the Military Traffic Management Command of the U.S. Department of
Defense, the National Park Service, Land Resources and Recreation
Resources Divisions, and the U.S. Department of Agriculture.


Natalie S. Rosenberg

Dated: June 13, 2003

ENVIRONMENTAL REPORT

**CSX TRANSPORTATION, INC.
TAPPAN (NEAR PORT HURON), ST. CLAIR COUNTY, MICHIGAN
DOCKET AB-55 (SUB-NO. 636X)**

The following information is provided in accordance with 49 C.F.R. Section 1105.7:

(1) PROPOSED ACTION AND ALTERNATIVES

Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

CSX Transportation, Inc. ("CSXT") proposed to abandon 2.68 miles of its rail line between Wadhams Road and Griswold Road, in Tappan (near Port Huron), St. Clair County, Michigan. The only patron on this line segment, CF Industries, has not generated any originating or terminating shipment since May 11, 2001, and has closed its facilities. During the past several years, the principal commodity transported over the line has been chemicals.

Abandonment of this line will result in the removal of the rail, cross-ties, and possibly the upper layer of ballast; subsequently, the operations and maintenance of this line will cease.

The only alternative would be not to abandon and to pass the opportunity costs of retaining the line to all other CSXT customers. This would not be a prudent utilization of carrier resources.

Two maps which delineate the proposed project are attached.
(See Attachments 1 and 2.)

(2) TRANSPORTATION SYSTEM

Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

There is no CSXT passenger or freight traffic on this line. There will be no effect on existing regional or local transportation systems or patterns.

(3) LAND USE

- (i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.**

On April 16, 2003, the St. Clair County Metropolitan Planning Commission advised that the proposed abandonment is consistent with recommendations and goals of the St. Clair County Master Plan. (See Attachment 3.)

Based on the fact that the line has not generated any traffic during the past two years, Applicant believes the proposed action is not inconsistent with local land use plans.

- (ii) Based on consultation with the U. S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.**

Applicant has not received a response to its inquiry of April 3, 2003, to the U. S. Department of Agriculture, Natural Resource Conservation Service for St. Clair County, MI, seeking information regarding this statement. (See Attachment 4.) While some prime farmland may exist in the vicinity of this project, Applicant feels that the simple removal of track material should not have an adverse impact.

- (iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by 1105.9.**

On May 15, 2003, the Michigan Department of Environmental Quality, Geological and Land Management Division, advised that this project is located outside of Michigan's coastal management boundary, and that no adverse impacts to coastal resources are anticipated from the proposed activity. (See Attachment 5.)

However, should a coastal management area be involved, all laws and regulations concerning an abandonment will be properly observed.

- (iv) **If the proposed action is an abandonment, state whether or not the right of way is suitable for alternative public use under 49 U.S.C. 10906 and explain why.**

The properties proposed to be abandoned may be suitable for other public purposes, but may be subject to reversionary interests that may affect transfer of title for other than rail purposes.

(4) ENERGY

- (i) **Describe the effect of the proposed action on transportation of energy resources.**

The proposed action will have no effect on the transportation of energy resources.

- (ii) **Describe the effect of the proposed action on recyclable commodities.**

The proposed action will have no effect on the movement and/or recovery of recyclable commodities.

- (iii) **State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.**

The proposed action will not result in an increase or decrease in overall energy efficiency.

- (iv) **If the proposed action will cause diversions from rail to motor carriage of more than: (A) 1,000 rail carloads a year; or (B) an average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.**

There will be no diversion of rail traffic to motor carriage in excess of the above thresholds.

(5) AIR

- (i) If the proposed action will result in either: (A) an increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or (B) an increase in rail yard activity of at least 100% (measured by carload activity), or (C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions.

The above thresholds will not be exceeded.

- (ii) If the proposed action affects a class I or non-attainment area under the Clean Air Act; and will it result in either: (A) an increase in rail traffic of at least 50% (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line, or (B) an increase in rail yard activity of at least 20% (measured by carload activity), or (C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan.

The above thresholds will not be exceeded.

- (iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity, the frequency of service; safety practices (including any speed restriction); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

Not applicable.

(6) NOISE

If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause: (i) an incremental increase in noise levels of three decibels Ldn or more, or (ii) an increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.

The above thresholds will not be exceeded.

(7) SAFETY

- (i) **Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).**

The proposed abandonment will have no detrimental effects on public health and safety. The removal of four road crossings and the associated signs and structures will enhance public safety by eliminating distractions to vehicular traffic crossing the line.

- (ii) **If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.**

Not applicable.

- (iii) **If there are any known hazardous waste sites or sites where there have been known hazardous material spills on the right of way, identify the location of those sites and the types of hazardous materials involved.**

Applicant's records do not indicate any hazardous waste sites or sites where there have been hazardous material spills on this line segment.

(8) BIOLOGICAL RESOURCES

- (i) **Based on consultation with the U. S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.**

On April 10, 2003, the U. S. Department of the Interior, Fish and Wildlife Service, East Lansing, Michigan, advised that ". . . there are no endangered, threatened, proposed, or candidate species, or critical habitat occurring within the proposed project area." (See Attachment 6.)

- (ii) **State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.**

Based upon Applicant's review of the area, the line is not within any wildlife sanctuaries or refuges, National or State parks or forests.

(9) WATER

- (i) **Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.**

On April 10, 2003, the Michigan Department of Environmental Quality, Land & Water Management Division, Lansing, Michigan, advised that " . . . a permit would be required if any dredge or fill is determined to potentially occur in a regulated wetland or if any temporary haul roads or stream crossings are determined necessary." (See Attachment 7.)

Applicant does not contemplate any action known to be inconsistent with federal, state and/or local water quality standards. Any necessary permits or applications will be obtained as well as compliance with conditions or procedures required by regulatory agencies.

- (ii) **Based on consultation with the U. S. Army Corps of Engineers, state whether permits under Section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.**

Applicant has not received a response to its letter of April 3, 2003, to the U. S. Army Corps of Engineers, Detroit, Michigan, requesting information regarding this statement. (See Attachment 8.)

Upon receiving abandonment authority, removal of material will be accomplished by use of the right of way for access, along with existing public and private crossings, and no new access roads are contemplated. We do not intend to disturb any of the underlying roadbed or perform any activities that would cause sedimentation or erosion of the soil, and do not anticipate any dredging or use of fill in the removal of the track material. The crossties and/or other debris will be transported away from the rail line and will not be discarded along the right of way nor be placed or left in streams or wetlands, or along the banks of such waterways. Also, during track removal, appropriate measures will be

implemented to prevent or control spills from fuels, lubricants or any other pollutant materials from entering any waterways. Based upon this course of action, Applicant does not believe a permit under Section 404 of the Clean Water Act will be required.

Applicant is not aware of any designated wetlands or 100-year flood plains within the proposed project.

- (iii) **State whether permits under Section 402 of the Clean Water Act (33 U.S.C. 1342) are required for the proposed action. (Applicants should contact the U. S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required).**

On April 10, 2003, the Michigan Department of Environmental Quality, Land & Water Management Division, Lansing, Michigan, advised that ". . . a permit would be required if any dredge or fill is determined to potentially occur in a regulated wetland or if any temporary haul roads or stream crossings are determined necessary." (See Attachment 7.)

Response dated May 5, 2003, from the U. S. Environmental Protection Agency, Region V, Chicago, Illinois, is included as Attachment 9.

Based upon the course of action described in Section 9 (ii), Applicant does not believe a permit under Section 402 of the Clean Water Act will be required.

10. MITIGATION

Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

There will be no adverse environmental impacts in the project area as a result of this abandonment; therefore, mitigating action will not be necessary.

Wadhams Road

Imperial Avenue

Lapeer Avenue

NV.I.V.I.

(2018) 88-1

NV.I.V.I.

7

(iii) 85

10-10Wold Rd

Proposed Abandonment
of 2.68 Miles

Line Name: Pt. Huron SD.

VAL:

GIS: 18832, 18833

Scale: 1" = 1500'

Date: 03/27/03
Drawn By: HSullivan

Site ID: M1-147-0997631

Begin Abandonment
Milepost CBD 85.96

69

84

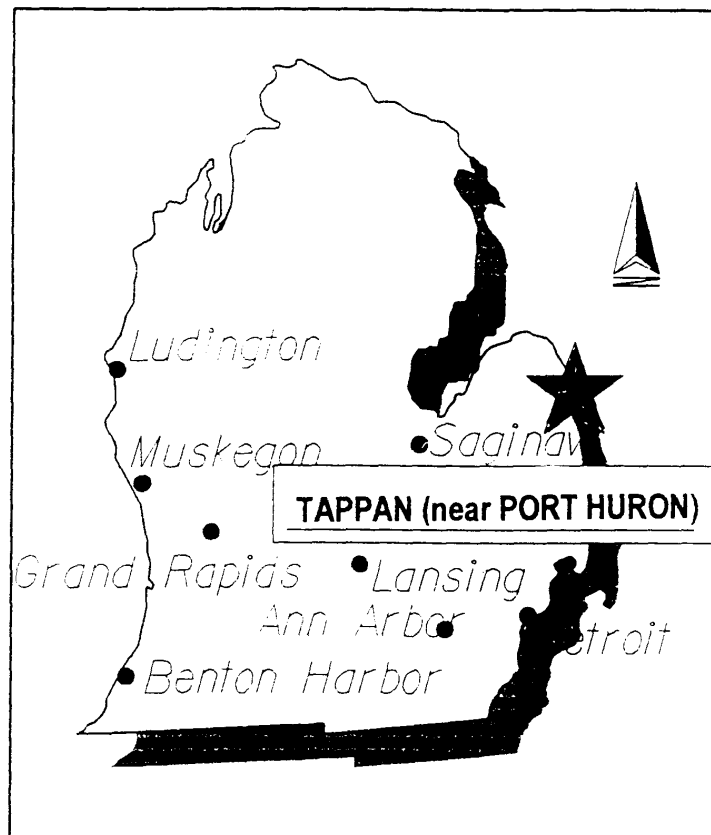
LEGEND

PROPOSED APPROVAL: _____

Total (N=100) = 100%

Western Region Political Division

FortiLeon Subscription



AREA MAP
STATE OF MICHIGAN

Proposed Abandonment - 2.68 Miles
St. Clair County
Port Huron, Michigan

WESTERN REGION - DETROIT DIVISION - PORT HURON SUBDIVISION



COUNTY OF ST. CLAIR

Metropolitan Planning Commission

GORDON RUTAN, Director

Attachment 3
To
Exhibit D



April 16, 2003

Ms. Heidi Van Horn-Bash, Director
Asset Management
CSX Transportation
500 Water Street-J200
Jacksonville, Florida 32202

RE: Abandonment of Tappan (Near Port Huron), St. Clair County Rail Line

Dear Ms. Bash:

The St. Clair County Metropolitan Planning Commission is in receipt of CSX Transportation's (CSXT) request to examine the consistency between an abandonment of a railroad line and the St. Clair County Master Plan.

The portion of railroad stretches 2.68 miles between Wadhams Road and Griswold Road in Kimbail and Port Huron Townships. A previously abandoned portion of the rail line, to the northwest of this section, has been converted to a recreation trail. The St. Clair County Parks and Recreation Commission initiated an application to the Michigan Department of Transportation for a STP-Enhancement grant to the purchase the right-of-way proposed for abandonment.

The abandonment is consistent with recommendations and goals of the St. Clair County Master Plan, adopted April 5, 2000. The St. Clair County Master Plan indicates that the section of rail line is within the Urban and General Services District. This district encourages higher densities of residential, commercial, and industrial development. The section is also identified by the Plan as located in a *sensitive environment*. The Plan recommends that *sensitive environments* should be targeted for public acquisition.

Land Use Goal # 7 of the St. Clair County Master Plan is to coordinate development and highway improvements to minimize traffic congestion and hazards. The abandonment of this section of CSXT's rail line will help St. Clair County accomplish this goal by providing a variety of alternative transportation through increased access to pathways for bicycling and walking.

Land Use Goal # 9 of the St. Clair County Master Plan is to create recreation facilities for present and future needs. The abandonment of this section of CSXT's rail line will help St. Clair County

Ms. Heidi Van Horn-Bash, Director
Asset Management
CSX Transportation
April 16, 2003
Page Two

accomplish this goal by increasing the connectivity of recreational trails, parks, and traditional community centers.

Transportation Goal # 10 of the St. Clair County Master Plan is to establish a countywide multi-modal transportation system. The abandonment of this section of CSXT's rail line will help St. Clair County accomplish this goal by establishing the opportunity for the St. Clair County Parks and Recreation Commission to develop non-motorized access and linkage to the existing transportation system.

Facilities Goal # 5 of the St. Clair County Master Plan is to plan parks and open space for the County's growing population. The abandonment of this section of CSXT's rail line will help St. Clair County accomplish this goal by adding recreation and open space through a residential, commercial, and industrial portion of the County.

Enclosed are the goals statements of the St. Clair County Master Plan that are referenced above. Please, do not hesitate to contact me if you have any concerns or require further explanation and documentation.

Sincerely,



Gordon Ruttan
Planning Director

GR:DP:dw
Enclosure

cc: Mark Brochu, St. Clair County Parks and Recreation Director



Heidi Van Horn-Bash
Director - Asset Management

Attachment 4
To
Exhibit D
E-Mail: Heidi_Van_Horn-Bash@csx.com

April 3, 2003

U. S. D. A.
Natural Resource Conservation Service
2830 Wadhams Road
Kimball, MI 48074-1403

Dear Sir or Madam:

Please be advised that CSX Transportation, Inc. ("CSXT") is considering abandonment of a portion of its rail line in Tappan (near Port Huron), St. Clair County, Michigan, as depicted on the attached map.

This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7(3)(ii) require that we develop a response to the following statement:

"Based on consultation with the Natural Resources Conservation Service,
state the effect of the proposed action on any prime agricultural land."

Please advise if any of the land contiguous to the rail line in the project area is classified as prime agriculture land.

Sincerely,

A handwritten signature in dark ink, appearing to read "Heidi Van Horn-Bash", written over a horizontal line.

Attachment



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING

Attachment 5
To
Exhibit D

STEVEN E. CHESTER
DIRECTOR

May 15, 2003

Ms. Heidi Bash, Director
Asset Management
CSX Transportation
500 Water Street – J-200
Jacksonville, Florida 32202

Dear Ms. Bash:

SUBJECT: Federal Consistency Determination, Rail Abandonment, City of Tappan,
St. Clair County, Michigan

Staffs of the Geological and Land Management Division and the Environmental Science and Services Division have reviewed this phase of the project for consistency with Michigan's Coastal Management Program (MCMP), as required by Section 307 of the Coastal Zone Management Act, PL 92-583, as amended (CZMA). Thank you for providing the opportunity to review this proposed activity.

Our review indicates that this project is located outside of Michigan's coastal management boundary. No adverse impacts to coastal resources are anticipated from this proposed activity as described in the information you forwarded to our office. Therefore, this phase of the project is consistent with MCMP.

This consistency determination does not waive the need for permits that may be required under other federal, state, or local statutes. Please call me if you have any questions regarding this review.

Sincerely,

Chris Antieau
Great Lakes Shorelands Section
Geological and Land Management Division
517-373-3894

cc: Ms. Catherine Cunningham Ballard, MDEQ



IN REPLY REFER TO:

United States Department of the Interior

FISH AND WILDLIFE SERVICE

East Lansing Field Office (ES)
2651 Coolidge Road, Suite 101
East Lansing, Michigan 48823-6316

April 10, 2003

Attachment 6
To
Exhibit D

Heidi Van Horn-Bash
CSX Transportation
500 Water Street - J-200
Jacksonville, FL 32202

Re: Endangered Species List Request, Proposed Abandonment of a Portion of Railroad, Tappan, St.
Clair County, Michigan

Dear Ms. Bash:

Thank you for your April 3, 2003 request for information on endangered, threatened, proposed, or candidate species and critical habitat which may be present within the proposed project area. Your request and this response are made pursuant to Section 7 of the Endangered Species Act of 1973 (the Act), as amended, (87 Stat. 884, 16 U.S.C. 1531 *et seq.*).

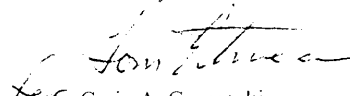
Based on information presently available, there are no endangered, threatened, proposed, or candidate species, or critical habitat occurring within the proposed project area. This presently precludes the need for further action on this project as required under Section 7 of the Act.

We advise, however, that should a species become officially listed or proposed before completion of this project, the Federal action agency for the work would be required to reevaluate its responsibilities under the Act. Further, should new information become available that indicates listed or proposed species may be present and/or affected, consultation should be initiated with this office.

Since threatened and endangered species data is continually updated, new information pertaining to this project may become available which may modify these recommendations. Therefore, we recommend your agency annually request updates to this list.

We appreciate the opportunity to provide these comments. Please refer any questions directly to Tameka Dandridge of this office at (517) 351-8315 or the above address.

Sincerely,


/s/ Craig A. Czarnecki
Field Supervisor

cc: Michigan Department of Natural Resources, Wildlife Division, Lansing, MI
(Attn: Lori Sargent)



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING

Attachment 7
To
Exhibit D

STEVEN E. CHESTER
DIRECTOR

April 10, 2003

Ms. Heidi Van Horn-Bash
500 Water Street – J200
Jacksonville, Florida 32202

Dear Ms. Van Horn-Bash:

SUBJECT: CSXT proposed abandonment of Site ID: MI-147-0997631, St Clair County

Our office has received notice of CSX Transportation, Inc.'s (CSXT's), consideration of abandonment of a 2.68 mile rail line in Tappan, St Clair County, Michigan (Site ID MI-147-0997631). Your letter requests concurrence that a permit under Section 402 of the Clean Water Act 33 U.S.C. 1342 is not required and that the proposed project is consistent with applicable state water quality standards. Your description of the project says that the use of dredge or fill in the removal of the track material is not contemplated and that removal of rail material will occur in the existing right-of-way. From the diagrams provided, however, we are unable to determine if wetlands are in the vicinity or which right-of-ways are anticipated for use. Due to the incompleteness of the information provided, I must note that, under Michigan's Part 301, Inland Lakes and Streams, and Part 303, Wetlands Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, a permit would be required if any dredge or fill is determined to potentially occur in a regulated wetland or if any temporary haul roads or stream crossings are determined necessary.

Michigan's Joint Permit Application (JPA) for these activities can be downloaded from the Michigan DEQ website at www.michigan.gov/deq. The JPA is listed under "Permits" as "MDEQ/USACE Joint Permit Application." If you should have any questions, please call me or the Permit Consolidation Unit, at 517-373-9244, or send an e-mail to DEQ-LWM-PCU@michigan.gov.

Sincerely,

Wendy Fitzner, Chief
Permit Consolidation Unit
Geological and Land Management Unit
517-373-8798



Heidi Van Horn-Bash
Director - Asset Management

Attachment 8
To
Exhibit D

E-Mail: Heidi_Van_Horn-Bash@csx.com

April 3, 2003

U. S. Army Corps of Engineers
Detroit District
Attn: CELRE-CO-L
P. O. Box 1027
Detroit, MI 48231-1027

Dear Sir or Madam:

Please be advised that CSX Transportation, Inc. ("CSXT") is considering abandonment of a portion of its rail line in Tappan (near Port Huron), St. Clair County, Michigan, as depicted on the attached map.

This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7(9)(ii) require that we develop a response to the following statement:

"Based on consultation with the U. S. Army Corps of Engineers, state whether permits under Section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100 year flood plains will be affected. Describe the effects."

It is our opinion that there will be no impact on designated wetlands or 100-year flood plains because our intent at this time is to only remove the metal track material, crossties and perhaps the upper layer of ballast, and to preserve the existing routes of water flow and drainage. We do not intend to disturb any of the underlying roadbeds or perform any activities that would cause sedimentation or erosion of the soil, and we do not anticipate any dredging or use of fill in the removal of the track material. The track removal will be accomplished by use of the right of way for access, along with existing public and private crossings, and no new access roads are contemplated. The crossties and/or other debris will be transported away from the rail line and will not be discarded along the right of way, nor be placed or left in streams or wetlands, or along the banks of such waterways.

Based upon the above described actions, we would appreciate your concurrence in CSXT's position that there would be no adverse impact on wetlands or 100-year flood plains, and that no permits under Section 404 will be required.

We would appreciate your comments; and, if you have any questions, please feel free to call me.

Sincerely,

Attachment
Copy:

Ms. Peg Bostwick
Lake and Stream Protection Unit
Land & Water Management Division
Michigan Dept. of Natural Resources
P. O. Box 30458
Lansing, MI 48909

Mr. Hal Harrington
Land & Water Management
Michigan Dept. of Natural Resources
P. O. Box 30028
Lansing, MI 48909



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V
77 West Jackson Boulevard
Chicago, IL 60604

Date: 5/5/83

Document: CSX TRANSPORTATION PROPOSED ABANDONMENT - 2.63 MILES
ST CLAIR COUNTY, PORT HURON, MICHIGAN

Dear Interested Party:


The Environmental Planning and Evaluation Branch has received the document listed above. Under the National Environmental Policy Act (NEPA), the Council on Environmental Quality regulations, and Section 309 of the Clean Air Act; U.S. EPA reviews and comments on major federal actions. Typically, these reviews focus on Environmental Impact Statements, but we also have the discretion to review and comment on other environmental documents prepared under NEPA if interest and resources permit.

We did not undertake a detailed review of the document you sent to this office, and will not be generating comments because of the reason selected below.

- ☒ The document was not prepared under NEPA.
- ☐ The document was given a cursory review, but other workload priorities precluded us from undertaking a detailed review and generating comments.
- ☐ The document was given a cursory review, and we determined that there were no significant concerns meriting comment.
- ☐ We opted to wait for the next level of documentation on this project before deciding whether or not to comment.

We reserve the right to reconsider undertaking a review at future planning stages, or if significant new data on the project is made available by the sponsoring agency or other interested parties. Thank you for providing information on the project.

Sincerely,


Kenneth A. Westlake, Chief
Environmental Planning and Evaluation Branch

HISTORIC REPORT

CSX TRANSPORTATION, INC.
TAPPAN (NEAR PORT HURON)
ST. CLAIR COUNTY, MICHIGAN

DOCKET AB-55 (SUB-NO. 636X)

1105.7(e)(1)

PROPOSED ACTION AND ALTERNATIVES. Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable detailed map and drawings clearly delineating the project.

CSX Transportation, Inc. (CSXT) proposes to abandon 2.68 miles of its rail line between Wadhams Road and Griswold Road, in Tappan (near Port Huron), St. Clair County, Michigan. The only patron on this line segment, CF Industries, has not generated any originating or terminating shipments since May 11, 2001, and has closed its facilities. During the past several years, the principal commodity transported over the line has been chemicals.

Abandonment of this line will result in the removal of the rail, cross-ties, and possibly the upper layer of ballast; and operations and maintenance of this line will cease.

The only alternative would be not to abandon and to pass the opportunity costs of retaining the line to all other CSXT customers. This would not be a prudent utilization of carrier resources.

Two maps which delineate the proposed project are attached. (See Attachments 1 and 2.)

1105.8(d)

- (1) A U.S.G.S. topographic map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action.

Attached are copies of the 1991 Port Huron and 1991 Smiths Creek quadrangle topographic maps prepared by the U. S. Department of Interior Geological Survey. The line to be abandoned has been identified by a heavy black and white diagonal line. (See Attachments 3 and 4.)

There are no CSXT-owned structures that are 50 years old or older that are eligible for listing in the National Register that are part of the proposed action

- (2) A written description of the right of way (including approximate widths, to the extent known), and the topography and urban and/or rural characteristic of the surrounding area:

The right of way varies between 30 and 65 feet from the centerline of track. Aerial images delineating the project area with a heavy black and white diagonal line are included as Attachment 5 and 6.

- (3) Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area:

Not applicable.

- (4) The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations, to the extent such information is known:

The rail material was laid in 1974 and the crossties were laid in 1984.

- (5) A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action:

This line segment was previously owned by the Pere Marquette Railway Company. It was organized under the laws of the State of Michigan on March 12, 1917, for the purpose of acquiring the property of the Pere Marquette Railroad Company, and its Receivers.

During 1947, the Chesapeake and Ohio Railway Company acquired the Pere Marquette with its 1,941 miles of line in Michigan, Ohio, Indiana, Illinois, Canada and New York.

On February 26, 1973, the Chessie System Inc. was formed, and Chessie System Railroads was adopted as the new corporate identity for the C&O, B&O and WM Railroads. On November 1, 1980, Seaboard Coast Line Industries Inc. and Chessie System Inc. merged and became CSX Corporation. On April 30, 1987, the Baltimore & Ohio Railroad Company was merged into the Chesapeake and Ohio Railway Company. The Chesapeake and Ohio Railway Company was merged into CSX Transportation on September 2, 1987.

Upon receiving abandonment authority, Applicant's operations and maintenance over this line will cease.

- (6) A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic:

Not applicable.

- (7) An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the

State Historic Preservation Office, local historical societies or universities):

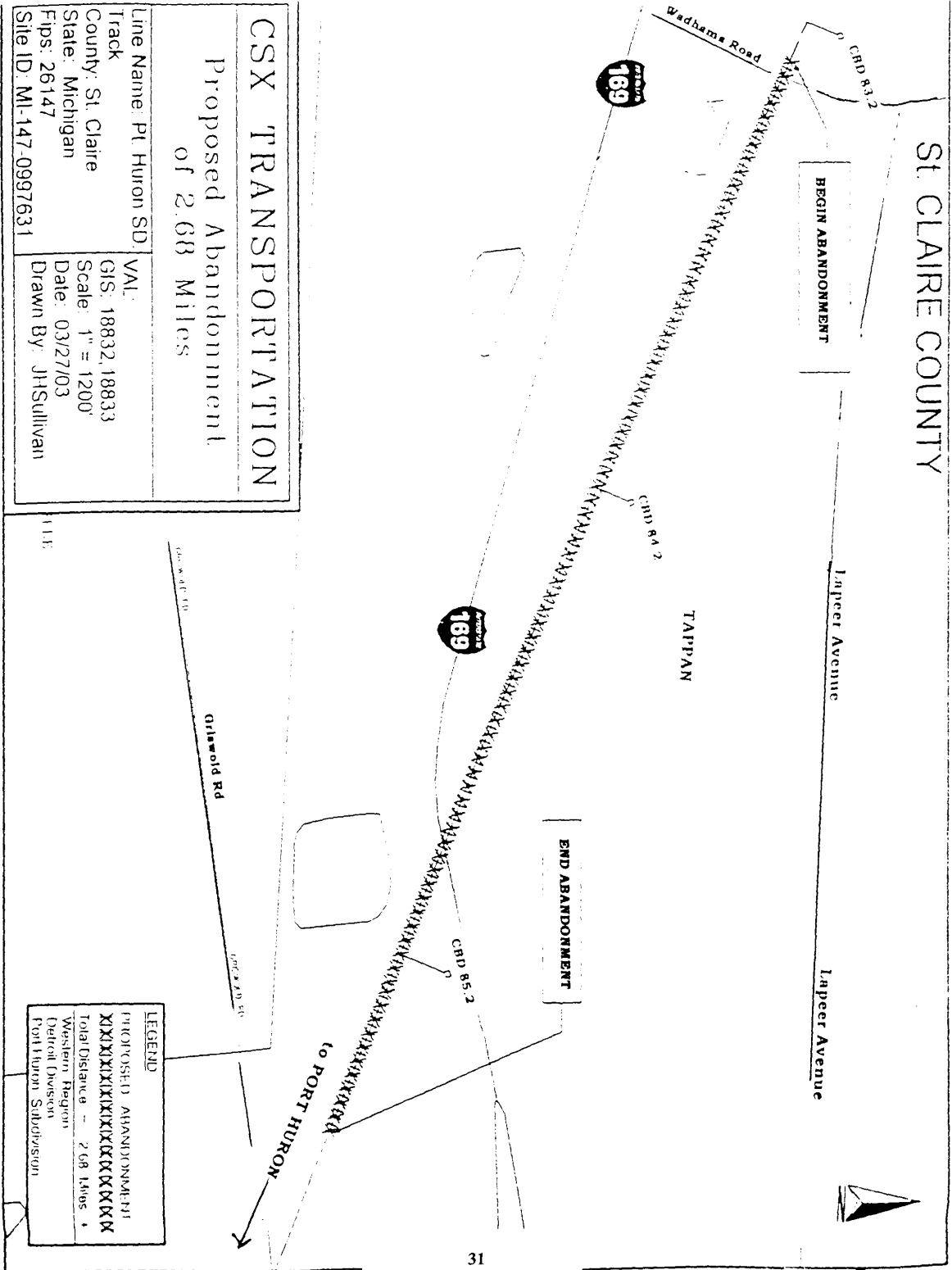
A review of our records indicates there are no CSXT-owned structures over 50 years old on this line segment that are eligible for listing in the National Register.

We do not know of any archeological resources or any other previously unknown historic properties in the project area.

- (8) **A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or man-made) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain.**

The line was disturbed during construction by cuts and fill and any archeological resources that may have been located in the proposed project area would have been affected at that time versus during the proposed salvage operations associated with rail removal. Our records do not indicate that any swampy conditions exist, or that any hazardous material spills have occurred within the project area.

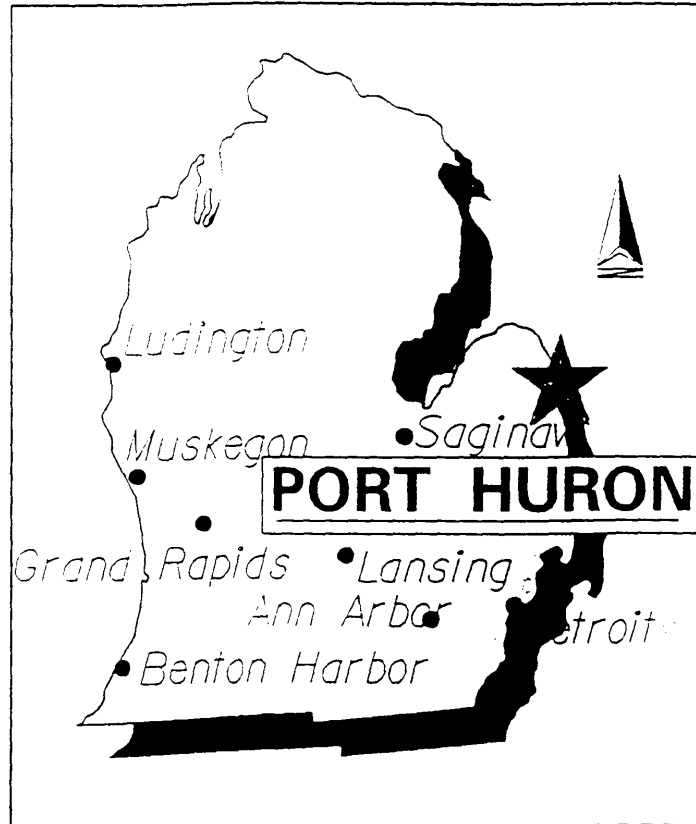
ST. CLAIRE COUNTY



CSX TRANSPORTATION

Proposed Abandonment
of 2.68 Miles

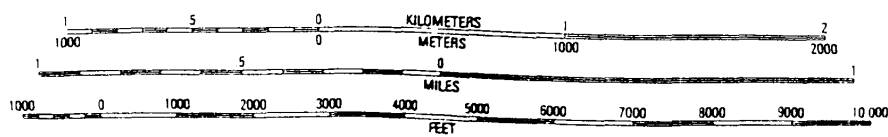
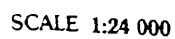
Line Name: Pl. Huron SD.	VAL:
Track	GIS: 18832, 18833
County: St. Clair	Scale: 1" = 1200'
State: Michigan	Date: 03/27/03
Fips: 26147	Drawn By: JHSullivan
Site ID: MI-147-0997631	



AREA MAP
STATE OF MICHIGAN

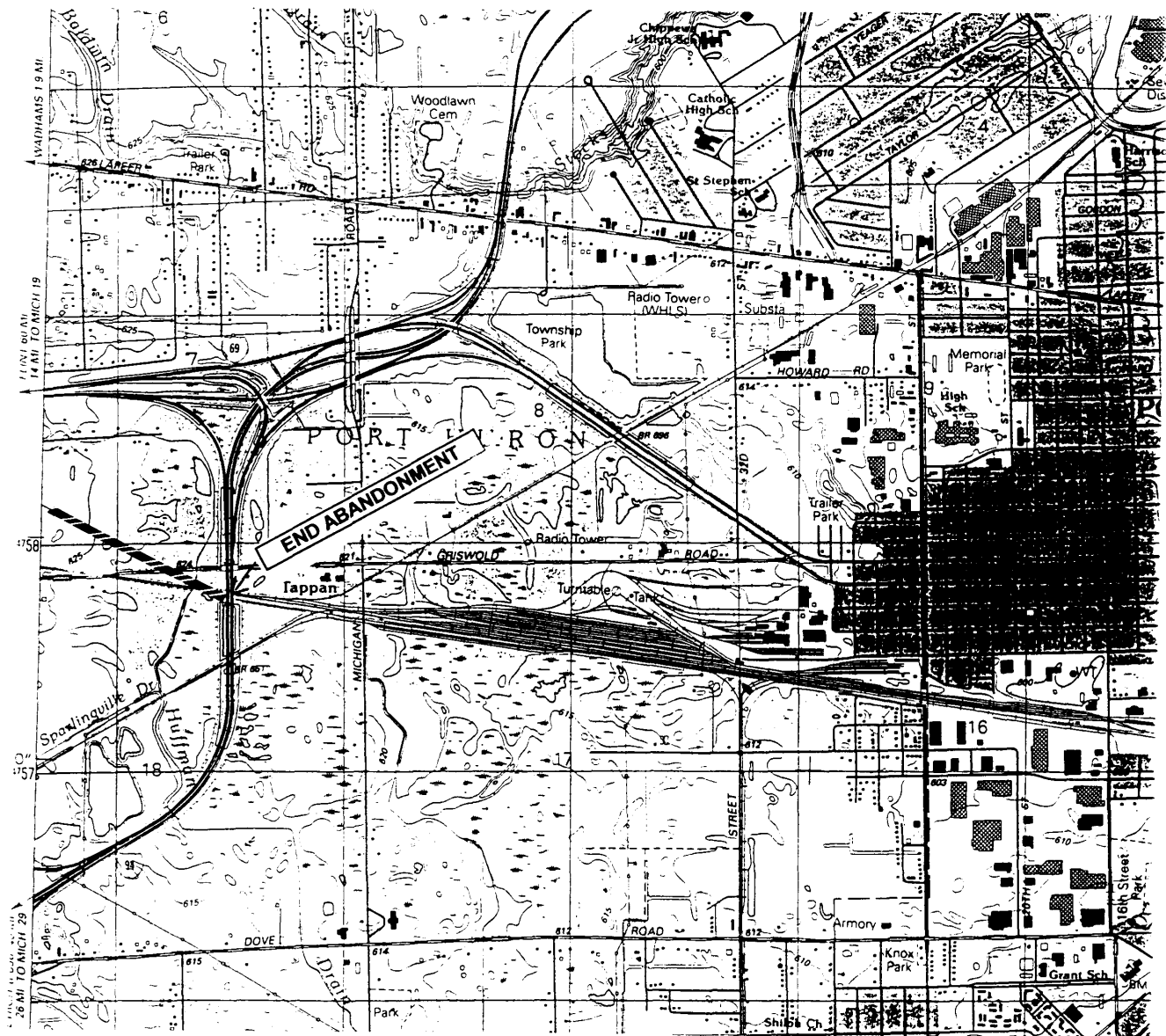
Proposed Abandonment - 2.68 Miles
St. Claire County
Port Huron, Michigan

WESTERN REGION - DETROIT DIVISION - PORT HURON SUBDIVISION

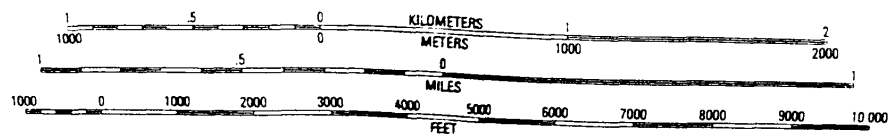


U. S. DEPT. OF THE INTERIOR
QUADRANGLE GEOLOGICAL SURVEY

Port Huron Quadrangle
Michigan-Ontario
1991
Page 2 of 2



SCALE 1:24 000



Send To Printer

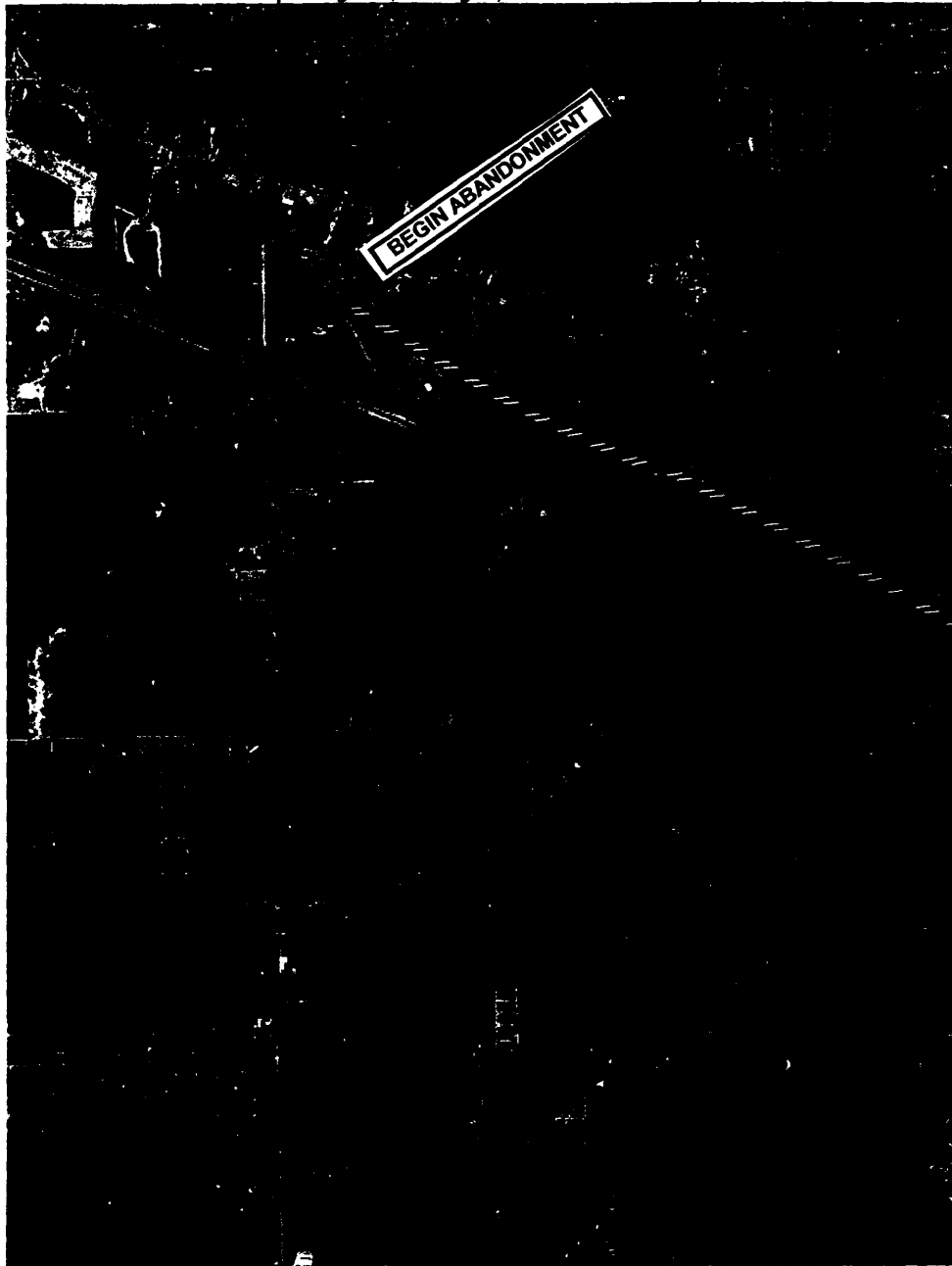
Back To TerraServer

Change to 11x17 Print Size

Show Grid Lines

Change to Landscape

USGS Sparlingville, Michigan, United States 07 Apr 1999



0 1Km

0 .5Mi

Image courtesy of the U.S. Geological Survey
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Send To Printer

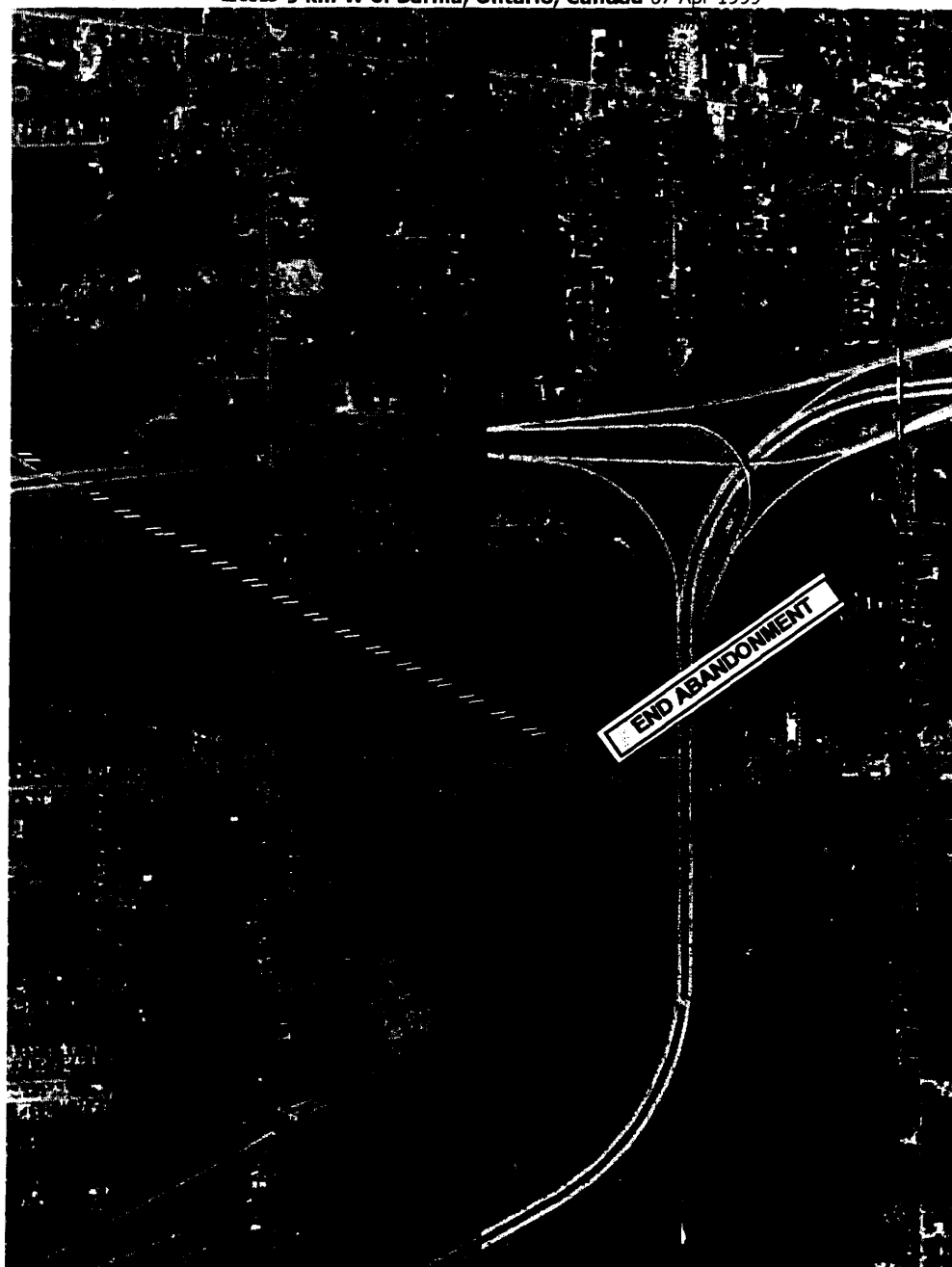
Back To TerraServer

Change to 11x17 Print Size

Show Grid Lines

Change to Landscape

USGS 9 km W of Sarnia, Ontario, Canada 07 Apr 1999



0 0.5Km

0 0.25Mi

Image courtesy of the U.S. Geological Survey
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Heidi Van Horn-Bash
Director - Asset Management

500 Water Street - J-200
Jacksonville, FL 32202
Tel. (904) 359-2409
Fax (904) 359-1111
E-mail: Heidi Van Horn-Bash@CSX.com

April 3, 2003

Michigan State Historic Preservation Office
Michigan Historical Center
P. O. Box 30740
702 W. Kalamazoo Street
Lansing, MI 48909-8240

RE: CSX Transportation, Inc.
Proposed Abandonment
Tappan (near Port Huron), St. Clair County, MI
Docket AB-55 (Sub-No. 636X)

Dear Sir or Madam:

Please be advised that CSX Transportation, Inc. anticipates filing for abandonment of approximately 2.68 miles of its rail line in Tappan (near Port Huron), St. Clair County, MI, as shown in the attached historic report.

In connection with rail lines that are to become the subject of applications for authority to abandon, Federal Regulations at 49 CFR 1105.8(d), require that a Historic Report be submitted to the State Historic Preservation Officer prior to filing with the Surface Transportation Board. In accordance with those Regulations, I am attaching a Historic Report covering the above-proposed abandonment.

I would appreciate it if you could confirm in writing that this project will have no impact upon cultural resources. If you have questions, please feel free to call me.

Sincerely,

A handwritten signature in black ink, appearing to read "Heidi Bash", written in a cursive style.

Attachment

Copy:
Surface Transportation Board
Section of Environmental Analysis
1925 "K" Street NW - Suite 534
Washington, DC 20423-0001

Ms. N. S. Rosenberg, Counsel, CSXT, 500 Water St.-J150, Jacksonville, FL 32202



Heidi Van Horn-Bash
Director - Asset Management

500 Water Street - J-200
Jacksonville, FL 32202
Tel. (904) 359-2409
Fax (904) 359-1111
E-mail: Heidi.Van.Horn-Bash@CSX.com

April 3, 2003

Michigan State Historic Preservation Office
Michigan Historical Center
P. O. Box 30740
702 W. Kalamazoo Street
Lansing, MI 48909-8240

RE: CSX Transportation, Inc.
Proposed Abandonment
Tappan (near Port Huron), St. Clair County, MI
Docket AB-55 (Sub-No. 636X)

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Sincerely,

A handwritten signature in black ink, appearing to read "Heidi Bash", written over the word "Sincerely,".

Attachment

Copy:
Surface Transportation Board
Section of Environmental Analysis
1925 "K" Street NW - Suite 534
Washington, DC 20423-0001

Ms. N. S. Rosenberg, Counsel, CSXT, 500 Water St.-J150, Jacksonville, FL 32202



JENNIFER GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF HISTORY, ARTS AND LIBRARIES
LANSING

DR. WILLIAM ANDERSON
DIRECTOR

April 11, 2003

MS HEIDI BASL
CSX TRANSPORTATION
500 WATER STREET
JACKSONVILLE FL 32202

Dear Ms. Basl:

On April 7, 2003, the State Historic Preservation Officer (SHPO) received your requests for a review under Section 106 of the National Historic Preservation Act of 1966, as amended. The Section 106 regulations specify what is required for a Section 106 review [36 CFR § 800.11]. The information that you have sent is incomplete. The SHPO cannot initiate the Section 106 review process until we receive complete project information.

Section 106 requires federal agencies to take into account the effect of their undertakings on historic properties. It is the responsibility of the federal agency, *not the SHPO*, to fulfill the requirements of Section 106. In some instances, the federal agency may delegate legal responsibility to a state, local, or tribal government. Consultants or designees contracted to prepare information, analyses, or recommendations, are *not* recognized as federally-delegated authorities. For your reference, a complete version of the Section 106 regulations can be found at www.achp.gov/regs.html.

The information still required for your project review has been checked on the following pages. Please read each requirement carefully, and respond in full. Also, when sending the required information to the SHPO, please reference the date on which we first received your request for review (this date is provided above). Once the required information is received in full by the SHPO, we can proceed with the review. The Section 106 process for this project is not complete. If you have any questions, please contact the Environmental Review section of the SHPO at (517) 335-2721 or by e-mail at ER@michigan.gov.

Please note that incomplete project information shall be held for ninety (90) days from the date the SHPO received it, after which the SHPO will dispose of it, unless otherwise notified.

Thank you for your cooperation.

Sincerely,

Brian Grennell
Environmental Review Specialist

for Brian D. Conway
State Historic Preservation Officer

Enclosure(s)

STATE HISTORIC PRESERVATION OFFICE, MICHIGAN HISTORICAL CENTER
702 WEST KALAMAZOO STREET • P.O. BOX 30740 • LANSING, MICHIGAN 48909-8240
(517) 373-1630

INFORMATION NEEDED FOR A PROJECT REVIEW

Your project submission is incomplete. The State Historic Preservation Office (SHPO) cannot initiate the Section 106 review process until we receive complete project information. Unless otherwise indicated, the terms "not applicable" or "unknown" are not acceptable responses. It is highly recommended that you use this as the format for your project submission. Project information should be sent to the Environmental Review Coordinator in the State Historic Preservation Office, Michigan Historical Center, 717 West Allegan Street, Lansing, MI 48918. Telephone: (517) 335-2721. FAX: (517) 335-0348. The SHPO has 30 days from receipt of complete project information to review and comment on the project.

To initiate a Section 106 review, the information that the SHPO requires is checked below.

- ☐ 1. **Project Name and Indication of New or Old Project.** If this is the first time you are initiating contact with the SHPO regarding this project, it is considered a new project. If the project has previously been submitted to the SHPO for review, please reference the ER project number that was assigned and used in all communication with the SHPO.
- ☐ **Cellular Communications Tower Applicants.** *Supplemental guidelines for cellular communications towers were developed in November of 2000 to assist applicants.* Indicate the nature of the project. 1) Construction of a new tower on raw land. 2) Co-location of an antenna on an existing tower with no extension or expansion. The tower height will not change, the size of the compound will not increase because any new construction will stay within the confines of the existing compound. 3) Co-location of an antenna on an existing tower, increasing the height of the tower. 4) Co-location of an antenna on an existing tower, resulting in the expansion of the compound. This may involve breaking new ground in an area where there has been no previous consideration of historic resources. 5) Co-location of an antenna on an existing (non-tower) building or structure. 6) Purchase of an existing antenna or tower.
- ☐ 2. **Name of Federal Agency Funding, Licensing, or Assisting Project.** *Every project subject to review under Section 106 of the National Historic Preservation Act of 1966, as amended, has a federal funding, licensing, or permitting agency.* Include the name, address, and telephone number of the contact person at the federal agency. Projects not receiving federal assistance, or requiring a federal permit or license, are not subject to Section 106 review. In certain circumstances the SHPO reviews projects as mandated by state policy, even though there is no federal agency involvement. If this applies, please state "no federal involvement" in this section and complete the section **Name of State Agency Funding, Licensing, or Assisting Project** (#3).
- ☐ 3. **Name of State Agency Funding, Licensing, or Assisting Project, if applicable.** Include the name, address, and telephone number of the contact person at the state agency. If this is a grant program, note the name of the program (i.e. CDBG, HOME, TEA-21, etc).
- ☐ 4. **Consultant Contact Person, if applicable.** If a consultant is preparing the project information, include the name, address, telephone number, and email address of the contact person to whom questions may be directed. Consultants are not recognized as federally-delegated authorities and the SHPO will not issue opinions of effect to consultants.
- ☒ 5. **Project Location.**
- ☐ Address or project boundaries.
 - ☐ City or Village if within the limits, or Township if outside the limits.
 - ☐ County.
 - ☐ Section, Township, and Range.
- ☐ 6. **Maps of Project Location.**
- ☐ General map highlighting the location of the project.
 - ☐ Localized map highlighting the exact location of the project (i.e. copy of a portion of a USGS map or city street map). Maps must provide the precise location of the project. If the project is will occur in several locations (i.e. improvements to a city water system), all such locations must be noted. Road names must be included and legible. All maps must contain a north arrow.
- ☐ 7. **Project Work Description.** Provide a detailed written description of the work that will be undertaken. *Plans and specifications cannot be substituted for a written description.* Include any information about building removals, rehabilitation, ground disturbance, excavation or landscape alteration such as sidewalk or tree removals.
- ☒ 8. **Indicate the Project's Area of Potential Effects (APE).** The area of potential effects (APE) must be highlighted on the localized map. Describe the steps taken to identify the APE and justify the boundaries chosen. The APE is defined as the geographic area or areas within which an undertaking may directly, or indirectly, cause changes in the character or use of historic properties. *In most instances, the APE is not simply the project's physical boundaries, or right-of-way.* The APE is influenced by the scale and nature of an undertaking and may be different depending on circumstances. In defining the APE, you must consider not only physical effects, but also visual, auditory, and sociocultural (i.e. land use, traffic patterns, public access) effects.

- ☒ 9. **Date of Existing Properties in the Project's Area of Potential Effects (APE).** Include the dates for *both* historic and non-historic properties. If no properties exist within the project's area of potential effects, please state "no properties present." If research has been done and no approximate date is found, the term "not found" is acceptable, however the level of effort made to determine dates must be indicated.

Information pertaining to historic properties. A historic property is defined as any prehistoric or historic district, site, building, structure, or object that is 50 years of age or older and is listed in, or eligible for listing in, the National Register of Historic Places. The term "historic property" includes archaeological as well as above-ground resources.

- ☒ 10. **Identification of Historic Properties.** *If there are no historic properties within the project's area of potential effects, the term "no historic properties present" is acceptable, but you must complete the section No Historic Properties Present in the Project's Area of Potential Effects (#10B).* You must make a reasonable and good faith effort to carry out appropriate identification efforts, which *may* include background research, consultation, oral history interviews, sample field investigation, and field surveys. Michigan Sites-On-Line is a directory of properties listed in the National Register (www.sos.state.mi.us/history/preserve/preserve.html). This directory, however, does not include properties eligible for listing in the National Register, and simply searching this directory does not fulfill your responsibility to identify historic properties. *The SHPO does not conduct research.*

A. **Historic Properties Present in the Project's Area of Potential Effects.** Identify and describe any historic properties listed in, or eligible for listing in, the National Register of Historic Places within the project's area of potential effects. Describe the steps taken to identify historic properties, including the level of effort made to carry out such steps.

B. **No Historic Properties Present in the Project's Area of Potential Effects.** Note if no historic properties exist within the project's area of potential effects and describe the steps taken to determine that there are no historic properties, including the level of effort made to carry out such steps.

- ☒ 11. **Historic Significance and Context.** *If there are no historic properties within the project's area of potential effects, the term "no historic properties present" is acceptable.* This statement details the condition, previous disturbance to, and history of any historic properties in the project's area of potential effects. Please indicate if such information is not available and describe the steps taken to determine the historic significance and context, including the level of effort made to carry out such steps.

- ☒ 12. **Photographs.** Original photographs of the site itself and all historic properties identified in Identification of Historic Properties (#10) must be included.

☐ *Fixed or photocopied photographs are not acceptable.*

☐ Digital photographs are acceptable provided they have a high dpi and clear resolution.

☒ Photographs should be keyed to a project map (#6).

☐ Photographs must provide clear views of the subject and should not be obscured by shadows, trees, cars, or any other type of obstruction.

☐ If submitting a project which is, or may be in, a historic district (especially in commercial or residential neighborhoods fifty years of age or older), please submit representative streetscape views of the built environment in the project's area of potential effects to provide the SHPO with an idea of the architectural context.

- ☐ 13. **Determination of Effect.** Following a reasonable and good faith effort to identify historic properties within the project's area of potential effects, evaluate the impact of the project work on historic properties. The SHPO is mandated to assess the effects that a project will have on the historic built environment and archaeological resources. Economic developments, impacts the natural and social environments are not relevant unless these bear some connection to the integrity of the historic built environment. You are responsible for making the determination of effect. Therefore, it is important to document how and why you reached your determination. As set forth in the federal regulations, the SHPO will either agree or disagree with your determination of effect. For a determination of: (1) *no historic properties affected* [36 CFR Part 800.4(d)(1)] in which there are either no historic properties present or no historic properties affected, include the basis for this determination.

For a determination of: (2) *no adverse effect* [36 CFR Part 800.5(b)]; or (3) *adverse effect* [36 CFR Part 800.5(d)(2)] explain why the criteria of adverse effect [36 CFR Part 800.5(a)(1)] were found applicable or not applicable, and include any conditions to avoid, minimize, or mitigate adverse effects. Adverse effects must be resolved in consultation with the SHPO pursuant to 36 CFR Part 800.6. Please indicate the efforts undertaken to seek views provided by consulting parties and the public pursuant to 36 CFR Part 800.6(a)(4), and provide copies or summaries of this information to the SHPO.



Asset Management
500 Water Street, J200
Jacksonville, Florida 32202
(904) 359-2409
Fax (904) 359-1111
e-mail: Heidi_VanHorn-Bash@csx.com

April 29, 2003

Mr. Brian Grennell
Environmental Review Specialist
State of Michigan
State Historical Preservation Office
P. O. Box 30740
Lansing, Michigan 48909-8240

Re: Section 106 request received by SHPO on April 7, 2003

Dear Mr. Grennell:

I received your letter dated April 11, 2003. I have attached some additional information that I hope will help in the Section 106 consultation process.

You are correct in the fact that it is the responsibility of the federal agency, not the SHPO, to fulfill the requirements of Section 106. Under 36 CFR §800.2, the federal agency in this case would be the Surface Transportation Board (STB) since it involves a railroad abandonment. According to 36 CFR §800.11, "when an agency official is conducting phased identification or evaluation under this subpart, the documentation standards regarding description of historic properties may be applied flexibly." This section appears to state that the STB can set the documentation standards to fit the type of project contemplated. In fact, the documentation standards required by the STB are defined under 49 CFR §1105.8 Historic Reports. This section defines what we are to provide to the SHPO. I have attached a copy for your review. The last sentence in 49 CFR §1105.8(a) states that the "purpose of the Historic Report is to provide the Board with sufficient information to conduct the consultation process required by the National Historic Preservation Act." To this end, the STB requires us in 49 CFR §1105.8(c) to send the Historic Report directly to your attention.

We have provided to you all of the documentation as required by the STB. If you have any questions or comments, please feel free to contact me.

Sincerely,

A handwritten signature in black ink that reads "Heidi Bash". The signature is written in a cursive, flowing style.

Heidi Bash
Director – Asset Management

INFORMATION NEEDED FOR A PROJECT REVIEW

5. Project Location

Section 2, Kimball TWP, T6N/R16E
Section 7, Port Huron TWP, T6N/R17E

8. Indicate the Project's Area of Potential Effects (APE).

The project area is within CSXT's right-of-way which extends 30 to 65 feet from the centerline of track. There are no CSXT-owned structures within CSXT's right-of-way that are 50 years old or older. The project area was highlighted on a local map, a topographic map and an aerial map that was submitted with Historic Report on April 3, 2003.

CSXT believes that the simple removal of track material will not directly or indirectly cause changes in the character or use of any adjacent properties. Further, the removal of three road crossings and the associated signs and structures will enhance public safety by eliminating distractions to vehicular traffic crossing the rail.

49 CFR §1105.8 does not require CSXT to identify any structures that are adjacent to its right-of-way.

9. Date of Existing Properties in the Project's Area of Potential Effects (APE).

There are no properties, historic or non-historic, present within CSXT's right of way

10. Identification of Historic Properties.

a. Historic Properties Present in the Project's Area of Potential Effects.

No historic properties are present.

b. No Historic Properties Present in the Project's Area of Potential Effects.

In an effort to locate structures on the rail line, CSXT reviewed its Track Charts, Valuation Maps and Building List, as well as consulted with local CSXT operating personnel familiar with the area.

A copy of CSXT's track chart is attached, the proposed abandonment is highlighted in yellow.

A copy of CSXT's Valuation Maps available upon request.

As stated in Paragraph 8, 49 CFR § 1105.8 does not require CSXT to identify any structures that are adjacent to its right-of-way.

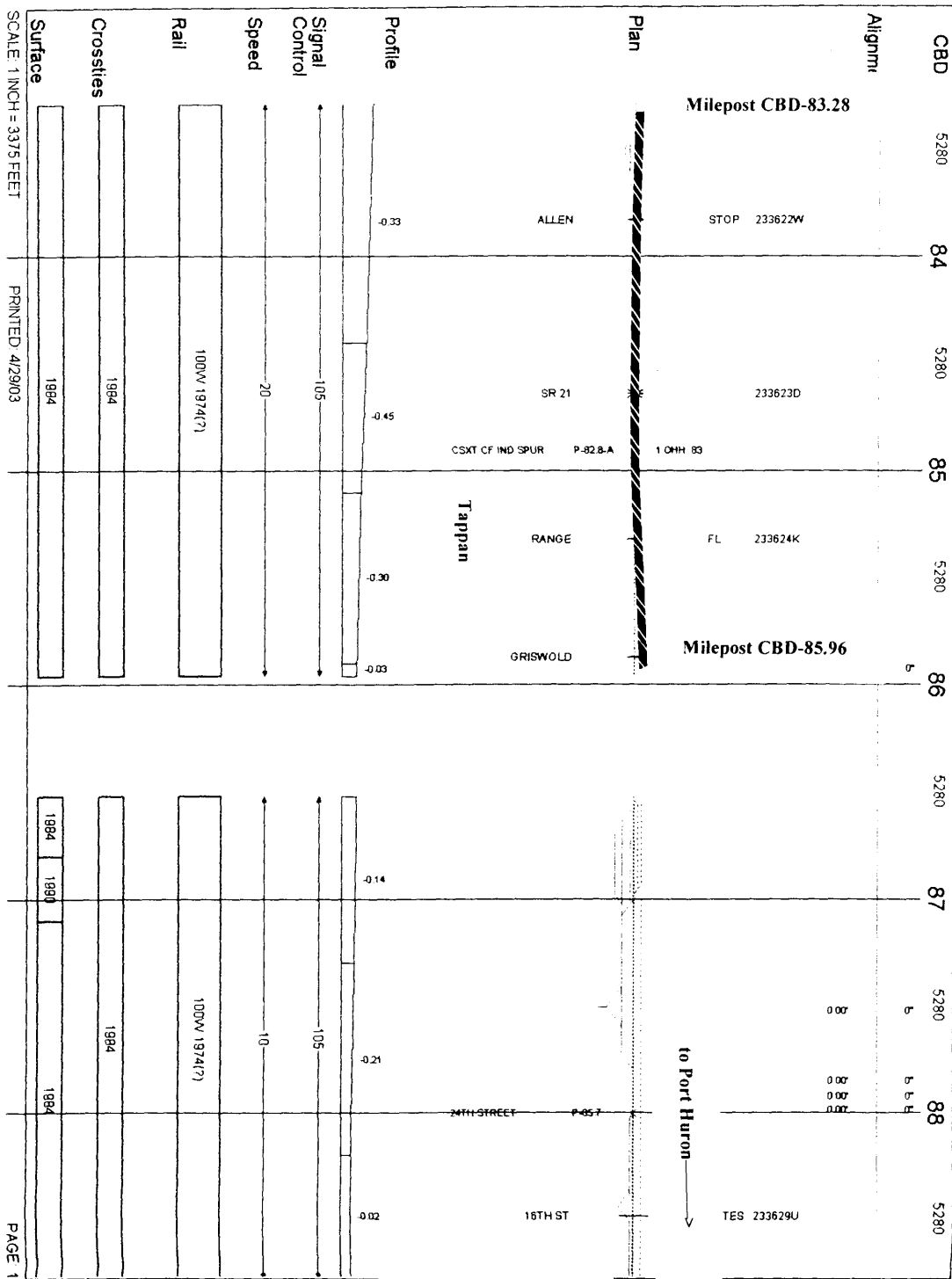
11. Historic Significance and Context.

No historic properties are present.

12. Photographs - keyed to a project map.

CSXT is only required to send photos of structures 50 years and older as well as the area surrounding those structures. Since no structures exist, we do not feel that this section is applicable.

DETROIT - PORT HURON



Surface Transportation Board, DOT

§1105.8

(i) Describe the proposed route(s) by State, county, and subdivision, including a plan view, at a scale not to exceed 1:24,000 (7½ minute U.S.G.S. quadrangle map), clearly showing the relationship to the existing transportation network (including the location of all highway and road crossings) and the right-of-way according to ownership and land use requirements.

(ii) Describe any alternative routes considered, and a no-build alternative (or why this would not be applicable), and explain why they were not selected.

(iii) Describe the construction plans, including the effect on the human environment, labor force requirements, the location of borrow pits, if any, and earthwork estimates.

(iv) Describe in detail the rail operations to be conducted upon the line, including estimates of freight (carloads and tonnage) to be transported, the anticipated daily and annual number of train movements, number of cars per train, types of cars, motive power requirements, proposed speeds, labor force, and proposed maintenance-of-way practices.

(v) Describe the effects, including indirect or down-line impacts, of the new or diverted traffic over the line if the thresholds governing energy, noise and air impacts in §§1105.7(e)(4), (5), or (6) are met.

(vi) Describe the effects, including impacts on essential public services (e.g., fire, police, ambulance, neighborhood schools), public roads, and adjoining properties, in communities to be traversed by the line.

(vii) Discuss societal impacts, including expected change in employment during and after construction.

(f) *Additional information.* The Board may require applicants to submit additional information regarding the environmental or energy effects of the proposed action.

(g) *Waivers.* The Board may waive or modify, in whole or in part, the provisions of this section where a railroad applicant shows that the information requested is not necessary for the

Board to evaluate the environmental impacts of the proposed action.

[56 FR 36105, July 31, 1991; 56 FR 49821, Oct. 1, 1991, as amended at 58 FR 44619, Aug. 24, 1993; 60 FR 32277, June 21, 1995; 61 FR 67883, Dec. 24, 1996; 64 FR 33268, Oct. 1, 1999]

§1105.8 Historic Reports.

(a) *Filing.* An applicant proposing an action identified in §1105.6 (a) or (b), or an action in §1105.6(c) that will result in the lease, transfer, or sale of a railroad's line, sites or structures, must submit (with its application, petition or notice) the Historic Report described in paragraph (d) of this section, unless excepted under paragraph (b) of this section. This report should be combined with the Environmental Report where one is required. The purpose of the Historic Report is to provide the Board with sufficient information to conduct the consultation process required by the National Historic Preservation Act.

(b) *Exceptions.* The following proposals do not require an historic report:

(1) A sale, lease or transfer of a rail line for the purpose of continued rail operations where further STB approval is required to abandon any service and there are no plans to dispose of or alter properties subject to STB jurisdiction that are 50 years old or older.

(2) A sale, lease, or transfer of property between corporate affiliates where there will be no significant change in operations.

(3) Trackage rights, common use of rail terminals, common control through stock ownership or similar action which will not substantially change the level of maintenance of railroad property.

(4) A rulemaking, policy statement, petition for declaratory order, petition for waiver of procedural requirements, or proceeding involving transportation rates or classifications.

(c) *Distribution.* The applicant must send the Historic Report to the appropriate State Historic Preservation Officer(s), preferably at least 60 days in advance of filing the application, petition, or notice, but not later than 20 days prior to filing with the Board.

(d) *Content.* The Historic Report should contain the information required by §1105.7(e)(1) and the following additional historic information:

(1) A U.S.G.S. topographic map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action;

(2) A written description of the right-of-way (including approximate widths, to the extent known), and the topography and urban and/or rural characteristics of the surrounding area;

(3) Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area;

(4) The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations, to the extent such information is known;

(5) A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action;

(6) A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic;

(7) An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 CFR 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities);

(8) A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archeological recovery of resources

(such as swampy conditions or the presence of toxic wastes), and the surrounding terrain.

(9) Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specified nonrailroad owned properties or groups of properties immediately adjacent to the railroad right-of-way: photographs of specified properties that can be readily seen from the railroad right-of-way (or other public rights-of-way adjacent to the property) and a written description of any previously discovered archeological sites, identifying the location and type of the site (i.e., prehistoric or native American).

(e) Any of these requirements may be waived or modified when the information is not necessary to determine the presence of historic properties and the effect of the proposed action on them.

(f) Historic preservation conditions imposed by the Board in rail abandonment cases generally will not extend beyond the 330-day statutory time period in 49 U.S.C. 10904 for abandonment proceedings.

[56 FR 36105, July 31, 1991, as amended at 61 FR 67883, Dec. 24, 1996]

§1105.9 Coastal Zone Management Act requirements.

(a) If the proposed action affects land or water uses within a State coastal zone designated pursuant to the Coastal Zone Management Act (16 U.S.C. 1451 *et seq.*) applicant must comply with the following procedures:

(1) If the proposed action is listed as subject to review in the State's coastal zone management plan, applicant (with, or prior to its filing) must certify (pursuant to 15 CFR 930.57 and 930.58) that the proposed action is consistent with the coastal zone management plan.

(2) If the activity is not listed, applicant (with, or prior to its filing) must certify that actual notice of the proposal was given to the State coastal zone manager at least 40 days before the effective date of the requested action.

(b) If there is consistency review under 15 CFR 930.54, the Board and the

abandonment exemption case, applicant shall certify that it has published in a newspaper of general circulation in each county through which the line passes a notice that alerts the public to the proposed abandonment, to available reuse alternatives, and to how it may participate in the STB proceeding.

(d) *Documentation.* Any written responses received from agencies that were contacted in preparing the Environmental Report shall be attached to the report. Oral responses from such agencies shall be briefly summarized in the report and the names, titles, and telephone numbers of the persons contacted shall be supplied. A copy of, or appropriate citation to, any reference materials relied upon also shall be provided.

§ 1105.7(e)(1) → (e) *Content.* The Environmental Report shall include all of the information specified in this paragraph, except to the extent that applicant explains why any portion(s) are inapplicable. If an historic report is required under §1105.8, the Environmental Report should also include the Historic Report required by that section.

(1) *Proposed action and alternatives.* Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

(2) *Transportation system.* Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

(3) *Land use.* (i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

(ii) Based on consultation with the U.S. Soil Conservation Service, state

the effect of the proposed action on any prime agricultural land.

(iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by §1105.9.

(iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. 10906 and explain why.

(4) *Energy.* (i) Describe the effect of the proposed action on transportation of energy resources.

(ii) Describe the effect of the proposed action on recyclable commodities.

(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

(iv) If the proposed action will cause diversions from rail to motor carriage of more than:

(A) 1,000 rail carloads a year; or

(B) An average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given. To minimize the production of repetitive data, the information on overall energy efficiency in §1105.7(e)(4)(iii) need not be supplied if the more detailed information in §1105.7(e)(4)(iv) is required.

(5) *Air.* (i) If the proposed action will result in either:

(A) An increase in rail traffic of at least 100 percent (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or

(B) An increase in rail yard activity of at least 100 percent (measured by carload activity), or

(C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions. For a proposal under 49 U.S.C. 10901 (or 10505) to construct a new line or re-institute service over a previously abandoned line, only the eight train a day provision in subsection (5)(1)(A) will apply.

(ii) If the proposed action affects a class I or nonattainment area under

EXHIBIT F

CERTIFICATE OF COMPLIANCE
WITH NOTICE REQUIREMENTS OF
49 C.F.R. 1105.11 and 1105.7(b)

In accordance with 49 C.F.R. §1105.7(b), I hereby certify that on May 23, 2003, a copy of the Environmental Report was served upon the below listed parties, by first-class mail, postage prepaid:

Metropolitan Planning Commission
County of St. Clair, Michigan
200 Grand River, Suite 202
Port Huron, MI 48060

USDA-NRCS
Natural Resources Conservation Service
P.O. Box 7870
Kimball, MI 48074-7870

Mr. Craig Czarnecki, Field Supervisor
U.S. Department of the Interior
Fish & Wildlife Service
2651 Coolidge Road
East Lansing, MI 48823

U.S. Army Corps of Engineers
Regulatory Office
P.O. Box 1027
Detroit, MI 48231-1027

U.S. Environmental Protection Agency
Region 5
77 West Jackson Boulevard
Chicago, IL 60604-3507

Regional Director - Midwest Region
National Park Service
1709 Jackson Street
Omaha, NE 68102

Mr. Hal Harrington
Land & Water Management
Michigan Dept. of Natural Resources
P.O. Box 30028
Lansing, MI 48909

Michigan Dept. of Environmental Quality
Permit Consolidation Unit
Land & Water Management Division
P.O. Box 30204
Lansing, MI 48909-77040

Mr. Edward McKay
Chief Spatial Reference System Division
DOC/NOAA
National Geodetic Survey N/NGS2
1315 East West Highway, Room 8813
Silver Spring, MD 20910-3282

Ms. Peg Bostwick
Lake and Stream Protection Unit
Land & Water Management Division
Michigan Dept. of Natural Resources
P.O. Box 30458
Lansing, MI 48909

Mr. Richard Pfaff
State Clearinghouse and Single Point of Contact
Southeast Michigan Council of Governments
535 Griswold - Suite 300
Detroit, MI 48226

Ms. Stacy Sanborn
Michigan Economic Development Corp.
300 North Washington Square
Lansing, MI 48913

Mr. Chris Antieau
Great Lakes Shorelands Section
Geological & Land Management Division
Michigan Dept. of Natural Resources
P.O. Box 30458
Lansing, MI 48909

In accordance with 49 C.F.R. 1105.8(c), I hereby certify that on April 3, 2003, a copy of the Historic Report was served upon the below listed party, by first-class mail, postage prepaid:

Michigan State Historic Preservation Office
Michigan Historical Center
P.O. Box 30740
702 W. Kalamazoo Street
Lansing, MI 48909-8240


Natalie S. Rosenberg

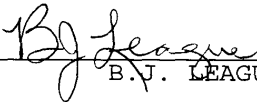
Dated: June 13, 2003

EXHIBIT G

VERIFICATION

STATE OF FLORIDA)
)
DUVAL COUNTY)

B. J. LEAGUE, being duly sworn, states that she is Assistant Vice President-Asset Management of CSX Transportation, Inc.; that she is authorized to verify and file with the Surface Transportation Board the foregoing Notice of Exemption in Docket No. AB-55 (Sub-No. 636X) on behalf of CSX Transportation, Inc.; that she has carefully examined all of the statements in the Notice of Exemption; that she has knowledge of the facts and matters relied upon in the Notice of Exemption; and that all representations set forth therein are true and correct to the best of her knowledge, information and belief.


B.J. LEAGUE

Subscribed and sworn to
before me, a Notary Public
in and for the State and
County above named, this
13th day of June, 2003.


Notary Public
My Commission Expires: _____

